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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: John W. Evans, et al.

)
)
) Art Unit: 1751

)
) Examiner: Hamlin, D.

on: Non-Aqueous Heat Transfer
Fluid and Use Thereof

Serial No.: 09/910,497

Filed On: July 19, 2001

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)
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) (Docket No. 290397.0007)

Dated at Hartford, Connecticut this 5th day of August, 2002

Commissioner for Patents
Washington, D.C. 20231

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AUG 12 2002

RESPONSE TO FINAL OFFICE ACTION

TC 1700

Dear Madam/Sir:

In response to the Office Action mailed on June 5, 2002, Applicants respectfully
request reconsideration of the above-referenced application for the reasons set forth
below.

In response to the restriction requirement set forth in the Office Action, Applicants elect claims 1-29 and 40-50 with traverse. Accordingly, claims 1-29 and 40-50 are currently pending in this application.

Applicants thank the Examiner for his consideration of Applicants' amendments filed on March 6, 2002, and for the withdrawal of the rejection of claims 1-5 under the doctrine of double patenting and the withdrawal of the rejection of claims 1-29 under 35 U.S.C. § 103 (a) over Meyers et al., U.S. Patent No. 5,118,434 in view of the amendments.

In the June 5, 2002 Office Action, the Examiner has maintained the rejection of claims 1-29 under 35 U.S.C. §103(a) over Maes et al., U.S. Patent No. 5,366,651. Applicant respectfully requests reconsideration of this grounds for rejection.

In the Office Action, the Examiner states that Maes teaches an anti-freeze concentrate comprising water-soluble liquid alcohol freezing point depressants, i.e. that Maes teaches use of combinations or mixtures of water-soluble liquid alcohol freezing point depressants in the compositions described by Maes. Applicants respectfully maintain that the Examiner misapprehends the teachings of Maes. Throughout the specification and claims, Maes refers to the use of a single water-soluble liquid alcohol freezing point depressant in the anti-freeze compositions described therein. Accordingly, Maes teaches only anti-freeze compositions comprising a single water-soluble liquid alcohol freezing point depressant.

Although the Examiner states that Maes teaches the use of combinations of water-soluble liquid alcohol freezing point depressants, Maes uses the plural "depressants" in only one passage in the entire patent. At column 3, line 65 through column 4, line 8, Maes provides a listing of water-soluble alcohols that may be used in the invention. Maes refers to "depressants" in the plural only in the context of introducing the listing of

substances that may be used in the compositions described in Maes. Even in this passage, Maes does not teach or suggest using combinations or mixtures of more than one alcohol freezing point depressant. For example, Maes does not state that combinations or mixtures of the listed substances could be used in the compositions described in the patent.

Throughout the specification in Maes, including all of the examples and all of the claims, Maes teaches the use of only one water soluble alcohol freezing point depressant in the compositions described. Accordingly, reading the word "depressants" in Maes in context in the one passage in which it is used, and considering the teachings of Maes regarding the compositions described and claimed, it is clear that Maes does not teach or suggest to one skilled in the art to use any combination of water soluble alcohol freezing point depressants, much less the combinations claimed in the present application.

For the reasons set forth above, Applicants respectfully request that the rejection based on Maes be withdrawn, and that claims 1-29 be allowed.

Applicants note that in the outstanding Office Action the Examiner has not stated any grounds for the rejection of claims 40-50. To the extent such rejection is based upon Maes, the rejection should be withdrawn for the reasons stated above. If there are other grounds for the rejection of claims 40-50, Applicants respectfully request that the Final Office Action be withdrawn and made non-final, and the reasons for rejection of claims 40-50 be provided to Applicants to permit Applicants to respond.

This response is filed within two months of the mailing date of the Office Action. No fee is believed to be required. However, if a fee is required or otherwise necessary to cover any deficiency in fees paid, authorization is hereby given to charge our Deposit Account No. 50-1631.

Respectfully submitted,

Date: August 5, 2002



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